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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 ANTOLIN ANDREW MARKS,

12 Plaintiff,

13 v.

14 GEO GROUP, INC. et al.,

15 Defendants.
16

No. C09-5489 RJB/KLS

ORDER DIRECTING SERVICE BY U.S.
MARSHAL OF COMPLAINT

17 This matter was transferred to this Court from the United States District Court for the
18 District of Columbia on May 21, 2009. Dkt. 3. By Order dated August 10, 2009, Chief Judge
19 Robert S. Lasnik determined that Plaintiff may proceed only on his claim that certain defendants
20 knowingly built the facility in which he is housed on contaminated land and that Plaintiff has
21 developed skin cancer and other injuries attributable to his exposure to toxic chemicals. Dkt. 7.
22 By separate order, the undersigned has granted Plaintiff's motion for leave to proceed *in forma*
23 *pauperis*.
24

25 Plaintiff has provided service copies and filled out service forms of his Complaint. It is,
26 therefore, **ORDERED:**

ORDER DIRECTING SERVICE - 1

1 (1) Service by United States Marshal

2 The United States Marshal shall send **the following** to each named Defendant for whom
3 there is a filled out service form by first class mail: a copy of the Complaint, a copy of this
4 Order, a copy of Judge Lasnik's Order (Dkt. 7), two copies of the Notice of Lawsuit and Request
5 for Waiver of Service of Summons, a Waiver of Service of Summons, and a return envelope,
6 postage prepaid, addressed to the Clerk's Office. All costs of service shall be advanced by the
7 United States.
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9 Pursuant to Federal Rule of Civil Procedure 4(i), the United States Marshall shall also
10 send each of the aforementioned documents by certified mail to the Attorney General of the
11 United States at Washington, District of Columbia, and to the United States Attorney for the
12 Western District of Washington.
13

14 The Clerk shall also send a courtesy copy of the Complaint to both the United States
15 Attorney for the Western District of Washington and Joan K. Mell, Attorney at Law, III
16 Branches Law PLLC, 1033 Regents Blvd., Suite 101, Fircrest, WA 98466.

17 (2) Response Required

18 Defendants shall have **thirty (30) days** within which to return the enclosed Waiver of
19 Service of Summons. Each defendant who timely returns the signed Waiver shall have **sixty**
20 **(60) days** after the date designated on the Notice of Lawsuit to file and serve an answer or a
21 motion directed to the complaint, as permitted by Rule 12 of the Federal Rules of Civil
22 Procedure.
23

24 Any defendant who fails to timely return the signed Waiver will be personally served
25 with a summons and complaint, and may be required to pay the full costs of such service,
26

1 pursuant to Rule 4(d)(2). A defendant who has been personally served shall file an answer or
2 motion permitted under Rule 12 within **thirty (30) days** after service.

3 (3) Filing and Service by Parties, Generally

4 All original documents and papers submitted for consideration by the court in this case,
5 are to be filed with the Clerk of this court. The originals of all such papers shall indicate in the
6 upper right-hand corner the name of the Magistrate Judge to whom the copies are to be
7 delivered. The papers shall be accompanied by proof that such documents have been served
8 upon counsel for the opposing party (or upon any party acting *pro se*). The proof shall show the
9 day and manner of service and may be written acknowledgment of service, by certificate of a
10 member of the bar of this court, or by affidavit of the person who served the papers.

12 (4) Motions


13 Any request for court action shall be set forth in a motion, properly filed and served. The
14 motion shall include in its caption (immediately below the title of the motion) a designation of
15 the Friday upon which the motion is to be noted upon the court's calendar. That date shall be the
16 third Friday following filing of the motion (fourth Friday for Motions for Summary Judgment).
17 All briefs and affidavits in opposition to any motion shall be filed and served not later than 4:30
18 p.m. on the Monday immediately preceding the Friday appointed for consideration of the motion.
19 If a party fails to file and serve timely opposition to a motion, the court may deem any opposition
20 to be without merit. The party making the motion may file, not later than 4:30 p.m. on the
21 Friday designated for consideration of the motion, a response to the opposing party's briefs and
22 affidavits.
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(6) Direct Communications with District Judge or Magistrate Judge

No direct communication is to take place with the District Judge or Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk.

The Clerk is directed to send a copy of this Order and of the General Order issued by the Magistrate Judges to Plaintiff.


Karen L. Strombom
United States Magistrate Judge


Karen L. Strombom
United States Magistrate Judge